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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/765,049	01/18/2001	Gavin Brebner	B-4084 618514-1	7680

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INTELLECTUAL PROPERTY ADMINISTRATION  
FORT COLLINS, CO 80527-2400

EXAMINER
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DIVECHA, KAMAL B

ART UNIT	PAPER NUMBER
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2151

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/08/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

09/765,049

Applicant(s)

BREBNER, GAVIN

Examiner

KAMAL B. DIVECHA

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

This office action is in response to a communication filed on December 4, 2006.

Claims 1-19 are pending in this application.

**Reopening Prosecution**

In view of the Appeal Brief filed on December 4, 2006, PROSECUTION IS HEREBY REOPENED. A new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

**Specification**

The specification is objected to under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement.

The test to be applied under the written description portion of 35 U.S.C. § 112, first paragraph, is whether the disclosure of the application as originally filed reasonably conveys to the artisan that the inventor had possession at that time of later claimed subject matter. Vas-Cat, Inc. v. Mahurkar, 935 F. 2d 1555, 1565, 19 USPQ2d 111, 1118 (Fed. Cir. 1991), reh'rg denied (Fed. Cir. July 8, 1991) and reh'rg, en banc, denied (Fed. Cir. July 29, 1991).

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The applicants have failed to provide an enabling disclosure in the detailed description of the embodiment. The specification is objected to under 35 U.S.C. § 112, first paragraph, as failing to support the subject matter set forth in these claims, i.e. lack of written description. See MPEP § 2163.

Claim 18/19 recites:

Process according to claim 1, further comprising:  
    assigning user-defined weightings to the data in the profile to indicate specified fields that are regarded as being of particular significance; and  
    taking said weightings into account when applying the matching rules in the offer file to the profile in order to select one or more services from the offer file.

However, the originally filed specification fails to teach, disclose or suggest the process as disclosed in claim 18.

There is no teachings, suggestion or disclosure of assigning user-defined weightings to the data in the profile to indicate specified fields that are regarded as being of particular significance; and taking said weightings into account when applying the matching rules in the offer file to the profile in order to select one or more services from the offer file.

Hence, the above claimed limitations presents the subject matter situations and was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

**Claim Rejections - 35 USC § 112**

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

1. Claims 18-19 are rejected under 35 U.S.C. 112, first paragraph, for the same reasons as set forth in specification above.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

**Claim 1 recites:**

Process for personalized access to information available on the Internet network, comprising:

creating at least one profile file containing comprising private data owned by the user, and/or data regarding the technical specifications of the user's computer;

repeatedly polling a service provider in order to receive an offer file containing matching rules for matching services accessible via the Internet to said at least one profile;

applying the matching rules in the offer file to the profile file in order to select one or more services from the offer file;

generating in the user's computer the code of a HTML page in the user's computer describing ~ said selected services; and

pushing said HTML page code into a web browser in the user's computer for permitting direct access to the services selected.

In the context of this claim, the functionalities "creating at least one profile...",

"repeatedly polling..." and "applying the matching rules..." are unclear. It is unclear whether the user, the user's computer or other entity is performing these functionalities.

Applicant is advised to clearly disclose who is performing these functionalities.

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Furthermore, the term “and/or” renders the claim indefinite because it is unclear whether the limitations encompassed by the term “and/or” is part of the claimed subject matter or not because the term “and/or” is used to indicate that either or both of the items encompassed by the term are involved.

Claim 7 recites:

Process according to claim 1, wherein it is used for achieving an electronic business application.

The subject matter set forth in claim 7 is indefinite because it is unclear what the applicant is attempting to cover. That is, it is unclear what the term “it” is referring to.

Claims 2-19 are rejected for the same reasons as set forth in claim 1.

**Claim Rejections - 35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3 and 5-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Revashetti et al. (hereinafter Revashatti, US 6,230,199 B1) in view of Ball et al. (hereinafter Ball, US 5,860,071).

As per claim 1, Revashetti discloses a process for personalized access to information available on the Internet network (col. 3 L11 to col. 4 L55), comprising:

creating at least one profile file containing private data owned by the user, and/or data regarding the technical specifications of the user's computer (col. 5 L50 to col. 6 L54, col. 7 L40 to col. 8 L64, col. 10 L45-63, col. 14 L8-39);

repeatedly initiating a download from service provider in order to receive an offer file containing matching rules for matching services accessible via the Internet to said at least one profile (col. 5 L54 to col. 6 L54, col. 7 L15-35, col. 10 L45-63);

applying the matching rules in the offer file to the profile in order to select one or more services from the offer file (col. 5 L50 to col. 6 L63, col. 7 L1-35, col. 19 L35 to col. 20 L14);

generating in the user's computer the code of a HTML page describing only said selected services (col. 6 L64 to col. 7 L67: user connects to a web site located at service provider, col. 9 L65 to col. 10 L24, col. 20 L15-33, col. 5 L54-60: the client is connected to the service provider

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and vendors through Internet utilizing http and html for accessing and presenting information);  
and

pushing said HTML page code into a web browser in the user's computer for permitting direct access to the services selected (col. 6 L64 to col. 7 L67 and fig. 13, col. 9 L65 to col. 10 L24, col. 20 L45 to col. 21 L8, fig. 2 and col. 5 L54-60: the client is connected to the service provider and vendors through Internet utilizing http and html for accessing and presenting information).

However, Revashatti does not disclose a process of repeatedly polling a service provider.

Ball, explicitly teaches the process of repeatedly polling a service provider (col. 5 L64-67, col. 6 L1-23).

Therefore, it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to modify Revashatti in view of Ball in order to repeatedly poll the service provider in order to retrieve the file.

One of ordinary skilled in the art at the time would have been motivated because the mechanism would have checked for updates (Ball, col. 6 L17-24).

As per claim 2, Revashatti discloses the process of creating and updating a local file containing the selected services (col. 6 L64 to col. 7 L35 and fig. 13, col. 9 L65 to col. 10 L24, col. 20 L45 to col. 21 L8, col. 22 L46 to col. 23 L67).

As per claim 3, Revashatti in view of Ball discloses the process wherein polling is executed after a predetermined period (Ball: col. 5 L64-67, col. 6 L1-23) and when the user requests the establishment of an Internet connection (Revashatti: col. 2 L50-64, col. 22 L46 to col. 23 L67).



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As per claim 5, Revashatti discloses the process wherein said at least one profile contains private data regarding the user and technical data relating to the user's computer (col. 5 L50 to col. 6 L54, col. 7 L40 to col. 8 L64, col. 10 L45-63, col. 14 L8-39).

As per claim 6, Revashatti discloses the process wherein said at least one profile contains technical data that is automatically collected by means of an analysis software program (col. 5 L50 to col. 6 L67, col. 7 L40 to col. 8 L64, col. 10 L45-63, col. 14 L8-39).

As per claim 7, Revashatti discloses the process wherein it is used for achieving an e-business application (fig. 1, col. 2 L50-64, col. 3 L10 to col. 4 L54).

As per claim 12, Revashatti discloses the process wherein the HTML page is generated at the user's computer in response to the occurrence of predetermined conditions (col. 5 L54 to col. 7 L36, col. 7 L40-67, col. 9 L54 to col. 10 L24: the process of filtering and presenting the advertisements are with respect to client's computer, i.e. are performed in the client's computer in response to a predetermined condition, which is the initiation of the internet connection to the web site, col. 20 L45 to col. 21 L8, col. 21 L63 to col. 22 L11).

As per claims 8-11 and 13, they do not teach or further define over the limitations in claims 1-3, 5-7 and 12.

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4. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Revashetti et al. (hereinafter Revashatti, US 6,230,199 B1) in view of Ball et al. (hereinafter Ball, US 5,860,071), and further in view of Dedrick (US 5,710,884).

As per claim 4, Revashatti and Ball do not disclose the process wherein the profile is encrypted into said local user machine.

Dedrick, from the same field of endeavor explicitly discloses the process of encrypting profiles into user's machine, i.e. computer (col. 6 L22 to col. 7 L8).

Therefore it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to modify Revashatti and Ball in view of Dedrick in order to encrypt the user profile into user machine.

One of ordinary skilled in the art would have been motivated because it would have protected the information in a profile from access by anyone other than the individual who is associated with the information, i.e. the owner (See Dedrick, col. 6 L22-60).

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5. Claims 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Revashetti et al. (hereinafter Revashatti, US 6,230,199 B1) in view of Ball et al. (hereinafter Ball, US 5,860,071), and further in view of Sundaresan (US 6,487,566 B1).

As per claim 14, Revashatti in view of Ball does not disclose the process wherein at least one profile is a XML file stored on the user's computer.

Sundaresan, from the same field of endeavor explicitly discloses the process of pattern matching and transforming documents (col. 4 L29-40), wherein the content summaries and user profiles are specified in XML (col. 3 L19-22).

Therefore it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to modify Revashatti and Ball in view of Sundaresan, in order to store the user profile in an XML format.

One of ordinary skilled in the art would have been motivated because since XML is a generalized extensible markup language, it has incredible potential to be the ultimate format for data description, transport, and exchange (See Sundaresan, col. 2 L59-67, col. 1 L30-57).

As per claim 15, Revashatti in view of Ball does not disclose the process wherein the offer file is an XML file stored on the user' computer.

Sundaresan, explicitly discloses the process of pattern matching and transforming documents (col. 4 L29-40), wherein the content summaries and/or web documents and user profiles are specified in XML (col. 3 L19-22, col. 5 L25 to col. 6 L25).

Therefore it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to modify Revashatti and Ball in view of Sundaresan, in order to download the offer file in an XML format.

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One of ordinary skilled in the art would have been motivated because of the same reasons as set forth in claim 14.

As per claims 16-17, they do not teach or further define over the limitations in claims 14-15. Therefore claims 16-17 are rejected for the same reasons as set forth in claims 14-15.

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6. Claims 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Revashetti et al. (hereinafter Revashatti, US 6,230,199 B1) in view of Ball et al. (hereinafter Ball, US 5,860,071), and further in view of Jacobi et al. (hereinafter Jacobi, US 6,317,722 B1).

As per claim 18, Revashatti and Ball does not disclose the process of assigning user-defined weightings to the data in the profile file to indicate specified fields that are regarded as being of particular significance; and taking said weightings into account when applying the matching rules in the offer file to the profile file in order to select one or more services from the offer file.

Jacobi, from the same field of endeavor explicitly discloses the process of assigning user-defined weightings to the data in the profile file to indicate specified fields that are regarded as being of particular significance; and taking said weightings into account when applying the matching rules in the offer file to the profile file in order to select one or more services from the offer file (fig. 1, fig. 2, fig. 5, col. 3 L19-30, col. 8 L7-59, col.11, lines 27-61).

Therefore it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to modify Revashatti and Ball in view of Jacobi in order to assign a value to particular area of interest and to receive services based on the ranking in order to receive information of area of interest (Jacobi, col. 11, lines 27-61).

One of ordinary skilled in the art would have been motivated because it would have ensured the items and/or services in the profile with the rating would be included in the recommendations that are ultimately presented to the user (Jacobi, col. 3 L19-30).

As per claim 19, it does not teach or further define over the limitations in claim 18. Therefore claim 19 is rejected for the same reasons as set forth in claim 18.

**Additional References**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Herz, US Patent No. 6,460,036: System for providing Customized Electronic newspapers and target advertisements.
- b. Skillen et al., US Patent No. 6,098,065: Associative Search Engine.
- c. Tso et al., US Patent No. 6,047,327: System for Distributing Electronic information to a target group of users.

**Conclusion**

Please Note that this office action is made Non-Final.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KAMAL B. DIVECHA whose telephone number is 571-272-5863. The examiner can normally be reached on Increased Flex Work Schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on 571-272-3939. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

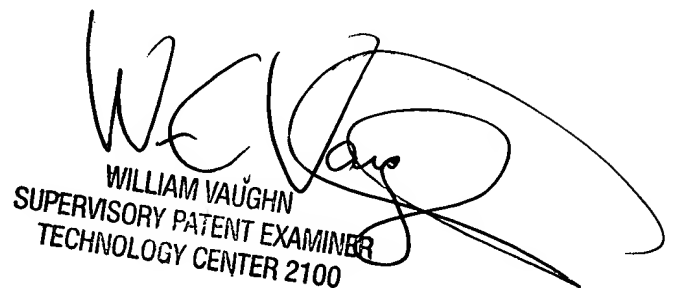


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